



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Inventors: R. WILLIAM MENGEL & TIMOTHY KARPETSKY
Art Unit: 1754
Serial No.: 10/040,401
Examiner: P. Lish
Filed: 01/09/2002
For: PYROLYTIC CONVERSION OF SCRAP TIRES
TO CARBON PRODUCTS

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RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR 1.121

Assistant Commissioner
for Patents
Alexandria, VA 22313

Sir:

This is in response to the Official Action that was mailed on May 7, 2003. That action held that the claims were drawn to three separate inventions, and required restriction to one of those inventions. Those three inventions were considered to be:

- I. Claims 1 – 17 drawn to a process for the production of a carbon powder;
- II. Claims 18 – 20 drawn to a carbon powder produced by the process of Invention I; and
- III. Claims 21 – 27 drawn to a process for the surface treatment of a carbon material.

Applicants elect Invention I for prosecution, including claims 1 – 17, but with traverse, and request reconsideration of the Examiner's conclusion that Inventions I and II are distinct one from the other. The Examiner's conclusion was based upon his finding that "the product can be made by another and materially different process, such as the production of carbon black powder using a hydrocarbon feed." That conclusion ignores and contradicts the teachings and data presented by applicants in their specification. See the discussion on specification pages 6 and 7 as to the changes in

surface chemistry caused by resonance disintegration treatment. Note in particular the sentence bridging pages 6 and 7 that states:

X-ray photoelectron spectroscopy (XPS) analysis clearly shows that different surface chemical changes take place on different carbons as they are subjected to resonance disintegration.

Example I on pages 9 – 10 of the specification also clearly demonstrates that resonance disintegration causes changes in the surface properties of a standard reference carbon black that (presumably) was produced from a hydrocarbon feed. Because the resonance disintegration caused changes in surface chemistry as well as in particle size, it is implicit that applicants' product displays distinct differences from conventional carbon blacks.

It is therefore submitted that the disclosure in applicants' specification noted above is sufficient to shift the burden to the Examiner to either document a viable alternative product or withdraw the requirement for restriction between Inventions I and II.

Early favorable action is deemed to be merited, and such action is respectfully solicited.

Respectfully submitted,



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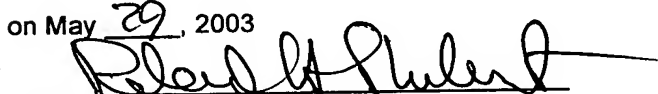
May 28, 2003

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on May 29, 2003


Roland H. Shubert